

## **REMARKS/ARGUMENTS**

Applicants acknowledge receipt of the Office Action dated June 1, 2004. In that action the Examiner entered a restriction requirement as to Group I (claims 1-24), Group II (claims 25-41), Group III (claims 42-53), Group IV (claims 54-60), Group V (claims 61-64 and 71-74), Group VI (claims 65-70 and 75-80) and Group VII (claims 81-87).

With this Office Action Response, Applicants withdraw claims 1-24 and 81-87 (in response to the restriction requirement), cancel claims 25-64 and 71-74, and submit new claims 88-101.

### **I. AMENDMENTS TO THE SPECIFICATION**

With this response, Applicants amend paragraph [0034] to add the serial numbers of the co-pending cases, and remove to reference to the attorney docket number. No new matter is submitted by these amendments.

### **II. RESTRICTION REQUIREMENT**

Applicants hereby elect to prosecute the group designated by the Examiner as Group VI, Claims 65-70 and 75-80. Applicants respectfully traverse this restriction requirement.

The Manual of Patent Examining Procedures (MPEP) states:

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

(MPEP § 803 (emphasis added)). Applicants respectfully submit that there will be no significant additional burden on the Examiner to examine the withdrawn claims.

Independent claim 75, of elected Group VI, requires the following:

wrapping a plurality of turns of a first battery cell;  
wrapping a plurality of turns of a second battery cell...;  
cutting the consecutively wound battery system to create a stacked battery system,  
the amperage capacity of each cell of the stacked battery system based on a  
length of the stacked battery system ... .

Thus, in searching and examining claim 75, the Examiner must look for art that teaches, among other things, wrapping a plurality of turns of a first battery cell, wrapping a plurality of turns of a

second battery cell, and cutting the wound battery system to create a stacked battery system. Claim 81, of non-elected Group VII, requires the following:

- winding a first set of battery cells around a mandrel, the first set of battery cells being a first battery cell in each rope; ...;
- winding a second set of battery cells around the first set of battery cells, the second set of battery cells being a second battery in each battery rope; ...;
- cutting the battery ropes to lay substantially flat and have a substantially rectangular shape ...

Thus, the search for art related to elected Group VI substantially overlaps the search needed with respect to non-elected Group VII.

Likewise, claim 76, of elected Group VI, requires:

- wrapping the plurality of turns of the first battery cell around a substantially cylindrical mandrel; and
- wrapping the plurality of turns of the second battery cell around the first battery cell, thus creating a substantially cylindrical shaped wound battery system.

Thus, in searching and examining claim 76, the Examiner must look for art that teaches, among other things, wrapping a plurality of turns of a first battery cell, and wrapping the plurality of turns of a second battery cell around the first battery cell. Claim 1, of non-elected Group I, requires the following:

- winding a first battery cell a plurality of turns around a mandrel; and
- winding a second battery cell a plurality of turns around the first battery cell.

Thus, the search for art related to elected Group VI substantially overlaps the search needed with respect to Group I.

Applicants respectfully submit that because the search required for the elected claims substantially overlaps the search needed for the remaining non-elected claims, and further because Groups I and VI both fall under class 29, and Groups VI and VII both fall under class 29, subclass 623.1, there will be no serious additional burden to search and examine the Group I and Group VII claims.

For these reasons, Applicants respectfully request that the restriction requirement be removed and the case examined in its entirety.

### III. NEW CLAIMS

Applicants present new claims 88-101. These new claims find support in original claims 65 and 75. No new matter is submitted.

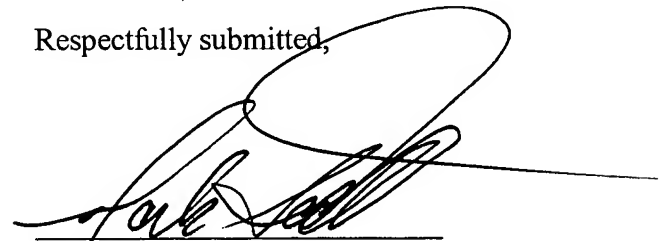
### IV. CONCLUSION

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,



Mark E. Scott  
PTO Reg. No. 43,100  
CONLEY ROSE, P.C.  
P. O. Box 3267  
Houston, TX 77253-3267  
(713) 238-8000 (Phone)  
(713) 238-8008 (Fax)